

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HITACHI CONSUMER ELECTRONICS  
CO. LTD., and HITACHI ADVANCED  
DIGITAL, INC.,

Plaintiffs,

V.

TOP VICTORY ELECTRONICS  
(TAIWAN) CO. LTD.,  
TPV INT'L (USA), INC., ENVISION  
PERIPHERALS, INC., TOP VICTORY  
ELECTRONICS (FUJIAN) CO. LTD.,  
TPV ELECTRONICS (FUJIAN) CO.  
LTD., TPV TECHNOLOGY LTD., and  
VIZIO, INC.

Defendants.

and

VIZIO, INC.,

Counterclaim-Plaintiff,

V.

HITACHI, LTD., HITACHI CONSUMER  
ELECTRONICS CO., LTD., HITACHI  
ADVANCED DIGITAL, INC., HITACHI  
AMERICA, LTD., and HITACHI HOME  
ELECTRONICS (AMERICA), INC.

### Counterclaim-Defendants.

Civil Action No. 2:10-cv-260-JRG

## JURY TRIAL DEMANDED

**AGREED MOTION TO MODIFY THE AMENDED DOCKET CONTROL ORDER**

VIZIO, Inc. (“VIZIO”); Top Victory Electronics (Taiwan) Co., Ltd.; TPV International (USA), Inc.; Envision Peripherals, Inc.; Top Victory Electronics (Fujian) Co., Ltd.; TPV Electronics (Fujian) Co., Ltd.; and TPV Technology Ltd. (collectively “TPV”) and Hitachi Consumer Electronics Co. Ltd.; Hitachi Advanced Digital, Inc.; Hitachi, Ltd.; Hitachi America, Ltd.; and Hitachi Home Electronics (America), Inc., (collectively, “Hitachi”) (Vizio, TPV, and Hitachi are collectively, the “Parties”) respectfully request modification of the June 7, 2012, Amended Docket Control Order (Dkt. No. 97) extending the expert disclosure deadlines and the deadline to complete expert discovery as follows:

1. Extend the deadline for the Parties to serve technical expert witness disclosures on issues for which they bear the burden of proof from the current deadline of November 19, 2012 to November 29, 2012;
2. Extend the deadline for the Parties to serve rebuttal technical expert witness disclosures from the current deadline of December 10, 2012 to December 20, 2012;
3. Extend the deadline for the Parties to serve damages expert witness disclosures on issues for which they bear the burden of proof from the current deadline of November 19, 2012 to December 3, 2012;
4. Extend the deadline for the Parties to serve rebuttal damages expert witness disclosures from the current deadline of December 10, 2012 to December 24, 2012; and December 15, 2012;
5. Extend the deadline for the Parties to Meet and Confer Regarding Proposal for Streamlining Case For Trial from December 13, 2012 to December 26, 2012;
6. Extend the deadline for the Parties to file the Joint Proposal for Streamlining Case For Trial from December 15, 2012 to December 28, 2012 and

7. Extend the deadline to complete expert discovery from the current deadline of January 7, 2013 to January 18, 2013.

The Court issued its *Markman* Order on November 13, 2012. Faced with the current November 19 deadline to serve all expert witness disclosures (from both technical experts and damages experts), the Parties have only five days to digest the Court's *Markman* Order, make appropriate modifications to their technical expert reports and finalize the damages reports. Specifically, granting a modest ten-day extension to prepare opening technical reports will allow the Parties sufficient time to evaluate the Court's *Markman* Order and modify their expert analysis in light of the Order, which may lead to a narrowing of infringement and validity issues in dispute at trial. Finally, extending the expert discovery cutoff from January 7, 2013 to January 18, 2013 will give the Parties sufficient time to complete expert depositions after all expert reports (technical and damages) have been exchanged.

Granting this motion will not affect any other dates in the Amended Docket Control Order. Importantly, the requested extension will not affect the trial date or the deadlines for pretrial disclosures. Although the deadlines for Daubert motions and motions for summary judgment are unchanged, the Parties have agreed that such filings may be supplemented with expert deposition transcripts that occur thereafter. VIZIO and TPV hereby withdraw their pending Motion to Continue (Dkt. No. 164) based on these adjustments to the Amended Docket Control Order.

Accordingly, the Parties submit there is good cause to modify the Amended Docket Control Order. For these reasons, the Parties respectfully request the Court grant their motion to modify the Amended Docket Control Order and extend the deadlines as set forth above.

Dated: November 15, 2012

Respectfully submitted,

/s/ Chad Everingham

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/s/ Vision L. Winter (with permission)

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HITACHI CONSUMER**

**ELECTRONICS CO., LTD., HITACHI  
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AMERICA, LTD., and HITACHI HOME  
ELECTRONICS (AMERICA), INC.**

**CERTIFICATE OF CONFERENCE**

I certify that counsel for VIZIO, Inc. (“VIZIO”); Top Victory Electronics (Taiwan) Co., Ltd.; TPV International (USA), Inc.; Envision Peripherals, Inc.; Top Victory Electronics (Fujian) Co., Ltd.; TPV Electronics (Fujian) Co., Ltd.; and TPV Technology Ltd. (collectively “TPV”) and Hitachi Consumer Electronics Co. Ltd.; Hitachi Advanced Digital, Inc.; Hitachi, Ltd.; Hitachi America, Ltd.; and Hitachi Home Electronics (America), Inc., (collectively, “Hitachi”) have complied with the meet and confer requirement in Local Civil Rule CV-7(h). This motion is unopposed. The personal conference required by Local Civil Rule CV-7(h) was conducted on November 14, 2012 by telephone and through email. Eric Klein and Chad Everingham participated for VIZIO, Vision Winter participated for TPV, and Jeffrey Plies participated for Hitachi.

/s/ Eric J. Klein  
Eric J. Klein

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel of record who have consented to electronic service as this district requires.

/s/ Chad Everingham  
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